IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the November 18, 2005
Criminal Misc. Bail application No. 873/2005
Order on the bail application of accused

CRIMINAL SIDE

Pushkar Singh
S/o Lal Singh
R/o Village Dokula Patti Samkot
Tehsil Munsyari
District Pithoragarh … Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime No. 1/2005
U/s 304-B, 498-A I.P.C.
Patti Patwari Circle Samkot
Tehsil Munsyari
District Pithoragarh

Hon'ble J.C.S.C. Rawat, J.

Heard Sri Neeraj Uprety learned counsel for the applicant and Sri H. C. Pandey learned A.G.A. for the State.

Perused the record. The applicant is the husband of the deceased-Smt. Bhagwati. It is alleged that the marriage was solemnized between the applicant- Pushkar Singh and Smt. Bhagwati on 07.12.2003. It was further alleged that just after the marriage, the deceased was subjected to cruelty on account of demand of dowry by the applicant and his family members. It is also on record that she was living in her parental house. On 12.06.2005 the applicant took his wife (deceased) from her parental house with the assurance that she would not be tortured again in connection with the dowry demand. On 17.6.2005 Sri Narayan Singh, who is reported to be the father-in – law (Chacha Sasur), informed the mother of the deceased that Smt. Bhagwati has set herself on fire and therefore she has been taken to Bans Bagad for her treatment. Thereafter, the mother of the deceased came to know that her daughter died under the suspicious circumstances. Medical report reveals that the deceased died due to burn injuries and there is ample of evidence to substantiate that she was treated cruelly on account of dowry demand immediately before

death. Considering the facts and circumstances of the case, it is not a fit case for bail.

Therefore, the bail application is hereby rejected.

(J.C.S.Rawat, J.)

Dated 18.11.2005
LSR